

R E S O L U T I O N

WHEREAS, Paul Hough is the owner of a 4.99-acre parcel of land known as Parcel 76, Tax Map 123 in Grid D-2, said property being in the 5th Election District of Prince George's County, Maryland, and being zoned R-E; and

WHEREAS, on August 30, 2007, IPDS, LLC filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 5 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07048 for Old Fort Subdivision was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 24, 2008, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 24, 2008, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCP/004/07), and further APPROVED Preliminary Plan of Subdivision 4-07048, Old Fort Subdivision, for Lots 1-5 with the following conditions:

1. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP/004/07), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission.”
2. Prior to approval of the Final Plat of Subdivision, the applicant, heirs, successors and or assignees shall pay a fee-in-lieu of parkland dedication. Lot 5 is exempt because there is an exiting dwelling on the Lot.
3. The applicant, heirs, successors and or assignees shall provide a standard sidewalk along the

subject site's entire frontage of Old Fort Road, unless modified by DPW&T.

4. The applicant, heirs, successors and or assignees shall provide a standard sidewalk along the subject site's entire frontage of Thorne Drive, unless modified by DPW&T.
5. The 2002 *Approved Henson Creek-South Potomac Master Plan* recommends that Old Fort Road be designated as a Class III bikeway with appropriate signage. Because Old Fort Road is a County right-of-way, the applicant, and the applicant's heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
6. At the time of final plat approval, the applicant shall dedicate 50 feet of right-of-way from the master plan centerline of Old Fort Road North, as shown on the submitted preliminary plan.
7. The Final Plat of Subdivision shall include a note that denies direct access to Old Fort Road from Lot 5.
8. Prior to signature approval of the preliminary plan, the entire 4.99 acres shall be the subject of a Phase I archaeological investigation with the concurrence of the Development Review Division (DRD). All investigations must be conducted by a qualified archaeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland (Schaffer and Cole: 1994)* and must be presented in a report following the same guidelines. The applicant should submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval. Prior to approval of Final Plats, the applicant shall submit Phase II and Phase III investigations as determined by the staff archeologist as needed. The plan shall provide for the avoidance and preservation of the resources in place or shall provide for mitigating the adverse effect upon these resources. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits. Depending upon the significance of findings, the applicant shall provide interpretive signage. The location and wording shall be subject to approval by the staff archeologist.
9. Development of this site shall be in conformance with the Stormwater Management Concept Plan # 24269-2007-00 (approved August 13, 2007) and any subsequent revisions.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The subject site is located in the southeast quadrant of the intersection of Thorne Drive and Old Fort Road, approximately 6,000 feet east of MD 210. The subject site is surrounded by single-family detached dwellings in the R-E Zone.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-E	R-E
Use(s)	Single-Family Dwellings	Single-Family Dwellings
Acreage	4.99	4.99
Lots	1 Parcel	5 Lots
Dwelling units	1 (to remain)	5 (1 existing, 4 new)
Public Safety Mitigation Fee		N/A

4. **Community Planning**—The subject site is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The subject application is not inconsistent with the 2002 Approved *General Plan Development Pattern* policies for the Developing Tier. This preliminary plan conforms to the recommendations of the 2006 Approved *Henson Creek-South Potomac Master Plan and Sectional Map Amendment (SMA)* for residential low-density land uses up to 3.5 dwelling units per acre. The proposed land use is for residential, low-density development for five single family residential lots. The 2006 Approved *Henson Creek-South Potomac Master Plan and SMA* retained the R-E Zone for this property.
5. **Environmental**—There are no streams, wetlands or 100-year floodplain on the property. Stormwater run-off from the property eventually reaches Piscataway Creek in the Potomac River watershed. According to information obtained from the Maryland Department of Natural Resources Wildlife and Heritage Program, there are no rare, threatened, or endangered species found to occur on this property or adjacent properties. There are no nearby sources of traffic-generated noise. The proposed use is not expected to be a noise generator. There are no designated scenic and historic roads in the vicinity of this property. According to the “Prince George’s County Soil Survey” the principal soils on the site are the Beltsville series. According to available information, Marlboro clay does not occur in the vicinity. This property is located in the Developing Tier as reflected in the adopted General Plan.

Environmental Issues Addressed in the 2006 Approved *Henson Creek-South Potomac Master Plan and SMA*.

The master plan does not indicate any environmental issues associated with this property.

Countywide Green Infrastructure Plan

The property is not within nor is it near the designated network of the Green Infrastructure Plan.

ENVIRONMENTAL REVIEW

A signed Natural Resources Inventory, NRI/161/06, was submitted with the application. There are no streams, wetlands or 100-year floodplain on the property. The FSD indicated two forest stands totaling 1.69 acres and one specimen tree. Both stands are immature woodlands with invasive species. According to the Green Infrastructure Plan, none of the property contains any network features. Based upon this analysis, there are no priority woodlands on-site. No further action regarding sensitive environmental features is required.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. The Type I Tree Conservation Plan, TCPI/004/07, has been reviewed and was found to require revisions. The plan proposes clearing 0.51 acres of the existing 1.69 acres of woodland. The woodland conservation threshold is 1.25 acres and the woodland conservation requirement has been correctly calculated as 1.43 acres based on the clearing currently proposed. The plan proposes to meet the requirement by providing 0.89 acres of on-site preservation and 0.54 acres as a fee-in-lieu. An additional 0.29 acres will be preserved on-site that are not part of any requirement. A Type II Tree Conservation Plan will be required prior to the issuance of grading permits for the subject property. A note should be placed on the Final Plat of Subdivision citing the restrictions of the Type I Tree Conservation Plan.

According to the "Prince George's County Soil Survey" the principal soils on the site are in the Aura series. Beltsville soils are in the C-hydric series, may have a perched water table and impeded drainage and are highly erodible. This information is provided for the applicant's benefit. No further action is needed as it relates to this Preliminary Plan of Subdivision review. The Prince George's County will require a soils report in conformance with CB-94-2004 during the permit process review.

Water and Sewer

The property is located within Water and Sewer Category 3. Water and sewer lines abut the property. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before recordation of a final plat. This development will be served by public systems.

6. **Parks**—In accordance with Section 24-134(a) of the Prince George's County Subdivision Regulations, the Department of Parks and Recreation, Park Planning and Development Division recommends that prior to approval of the Final Plat of Subdivision, the applicant, heirs,

successors and or assignees shall pay a fee-in-lieu of parkland dedication. Lot 5 is exempt because there is an existing dwelling on the lot.

7. **Trails**—The 2006 *Approved Henson Creek-South Potomac Master Plan and SMA* recommends that bicycle and pedestrian improvements be provided along Old Fort Road. The majority of the road in the vicinity of the subject site is open section with no sidewalks. However, where frontage improvements have been made to the south of the site along Old Fort Road and along Old Fort Road East, standard sidewalks have been provided. The existing Friendly High School is approximately one-quarter mile from the subject site.
8. **Transportation**—The application is a preliminary plan of subdivision for a residential development consisting of five single-family residential lots to be created within an existing and partially developed parcel. The proposed net development of four residences would generate three (3) AM and four (4) PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The site is within the Developing Tier, as defined in the 2002 Approved General Plan for Prince George's County. The subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by the proposed preliminary plan would impact the intersection of Old Fort Road North and Allentown Road. This intersection is unsignalized. There are no projects to improve this intersection in either the County Capital Improvement Program or the State Consolidation Transportation Program. Staff has no available turning movement counts at the critical intersection of Old Fort Road North and Allentown Road that are less than one year old.

An analysis done approximately one year ago using counts that are currently 16 months old indicated that that the critical intersection would operate with acceptable delay under existing and future traffic. Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. Staff would therefore recommend that the Planning Board find that three (3) AM and four (4) PM peak-hour trips will have a de minimus impact upon delay in the critical movements at the Old Fort Road North and Allentown Road intersection.

Thorne Drive is a local residential street. Old Fort Road North is designated as a master plan

major collector road in the 2006 *Approved Henson Creek-South Potomac Master Plan and SMA* with a right-of-way of 100 feet. Old Fort Road East (MC-703) is a proposed four-lane major collector street. Due to this designation it is policy to limit vehicular access to major collector roadways. Therefore, a note should be placed on the final plat denying Lot 5 access to Old Fort Road.

TRANSPORTATION STAFF CONCLUSIONS

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Subdivision Regulations.

9. **School Findings**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, the Prince George's County Council Bill CB-30-2003 and Prince George's County Council Resolution CR-23-2003 and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 3	High School Cluster 3
Dwelling Units	4 DU	4 DU	4 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	.96	.24	.48
Actual Enrollment	4,518	5,968	9,696
Completion Enrollment	168.96	90	181
Cumulative Enrollment	42.72	42.42	84.84
Total Enrollment	4,730.64	6,100.66	9,962.32
State Rated Capacity	4,775	6,114	10,392
Percent Capacity	99.07 %	99.78%	95.86 %

Source: Prince George's County Planning Department, M-NCPPC, January 2007

Prince George's County Council Bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I -495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,870 and \$13,493 to be paid at the time of issuance of each building permit. The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing

school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this preliminary plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations. Public Facilities staff have determined that this preliminary plan is within the required 7-minute response time for the first due fire station Allentown Road Company #47, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire Department. Pursuant to Prince George's County Council Resolution CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in Prince George's County Council Bill CB-56-2005.
11. **Police Facilities**—The subject property is located in Police District IV. The standard for priority calls response is 10 minutes and the standard is 25 minutes for non-priority calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on August 30, 2007.

Reporting Cycle	Previous 12 Month Cycle	Priority Calls	Non-priority Calls
Acceptance Date: Mo/day/year	7/06-7/07	10 minutes	17 minutes
Cycle 1	8/06-8/07		
Cycle 2	9/06-9/07		
Cycle 3	10/06-10/07		

The response time standards of 10 minutes for priority calls and 25 minutes for non-priority calls were met September 14, 2007. The Police Chief has reported that the department has adequate equipment to meet the standards stated in Prince George's County Council Bill CB-56-2005. Pursuant to Prince George's County Council Resolution CR-69-2006, Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

12. **Stormwater Management**— A Stormwater Management Concept, CSD #24268-2007-00, was approved by the Department of Public Works and Transportation on August 13, 2007, and expires on August 13, 2010. The approval requires the use of infiltration, drywells and grass swales. The proposed drywells and grass swales are shown on the Type I Tree Conservation Plan. No further action regarding stormwater management is required. Development of the site must be in accordance with this approved plan and any revisions.
13. **Department of Health**—The Environmental Engineering Program has reviewed the preliminary

plan of subdivision for the Old Fort Road property. A raze permit may be required prior to the removal of any existing buildings. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded prior to the structure being razed.

14. **Archeology**—The subject property is located between two unnamed streams that flow into Broad Creek. The subject property is located on a flat terrace above these two streams. Prehistoric sites have been found in similar settings and the probability of identifying prehistoric archeological resources is moderate.

An examination of aerial photographs and tax records indicates that a house was built on the northern end of the subject property in 1951. The southern portion of the property appears to have been cultivated in the earlier part of the twentieth century but may still contain intact archeological deposits. The subject property was part of a larger farm dating to the nineteenth century owned by members of the Thorne family.

Three archeological sites, 18PR460, 18PR590, and 18PR823, have been identified within a one-mile radius of the subject property. Site 18PR460 is a Late Archaic to Early Woodland prehistoric short-term camp. Site 18PR590 is a multi-component site consisting of a nineteenth century artifact concentration and a prehistoric lithic scatter. Site 18PR823 is a Late Woodland camp or village. One County Historic Site, PG:80-21 Friendly School, and one Historic Resource, PG:81B-11, Providence Church, are also located within a one-mile radius of the subject property. Broad Creek historic district lies less than one mile west of the subject property. The probability of the subject property containing significant archeological sites is moderate.

In accordance with the Planning Board's directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Subtitle 24-104, 121(a)(18) and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples.

A Phase I archeological survey is recommended for the entire 4.99-acre property. The Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *The Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) as well as the Prince George's Planning Board's *Guidelines for Archeological Review* (May 2005). The archeological investigation should address the possibility that graves may be located on this property. The archeological consultant should be made aware that extensive files, including a chain-of-title, are available at the Planning Department.

15. **Historic Preservation**—There is no effect on Historic Resources for this proposed subdivision.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice

of the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, January 24, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of February 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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